



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

APR 30 2012

Martin T. Booher, Partner
Dewey and LeBoeuf, LLP
1301 Avenue of the Americas
New York, New York 10019-6092

Re: PCB Decontamination and Disposal Approval under 40 CFR § 761.61(c) and
§ 761.79(h)
Former North Center School
196 North Main Street
Southington, Connecticut

Dear Mr. Booher:

This is in response to the Town of Southington (the Town) Notification¹ for approval of a proposed plan to address PCB contamination at the building known as the Former North Center School (the Site) located at 196 North Main Street, Southington, Connecticut. The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and glazing, and in the adjacent building materials (i.e., concrete block (CMU) and mortar, and structural steel).

The Town has requested an approval under 40 CFR § 761.61(c) that includes the following activities:

- Remove and dispose of PCB caulk and glazing with greater than or equal to (\geq) 50 parts per million (ppm) in a TSCA approved or hazardous waste landfill;
- Remove and dispose of PCB caulk from the concrete sills and dispose of as a less than ($<$) 50 ppm waste in a state-permitted facility in accordance with §761.61(a)(5)(i)(B)(2)(ii);
- Remove certain *non-porous surfaces* (e.g., metal window/door frames) in direct contact with \geq 50 ppm PCB caulk and glazing, and dispose of as a \geq 50 ppm waste in a TSCA approved or hazardous waste landfill;

¹ The notification was prepared by Eagle Environmental, Inc on behalf of the Town of Southington to satisfy the requirements under 40 CFR § 761.61(c) and § 761.79(h). Information was submitted dated January 20, 2012 (PCB Remediation Plan), April 3, 2012 (Response to Comments and Revised PCB Remediation Plan), and April 19, 2012 (Second Response to Comments and Revised PCB Remediation Plan). These submittals shall be referred to as the "Notification".

- Encapsulate PCB-contaminated *porous surfaces* (e.g., CMU and mortar) and *non-porous surfaces* (i.e., structural steel) with two coats of epoxy and/or acrylic-based coating if the PCB concentration is greater than ($>$) 1 ppm or $> 10 \mu\text{g}/100 \text{ cm}^2$, respectively; and,
- Remove soils with > 1 ppm PCBs to a distance of 36 inches from the foundation and to a depth of 4 inches, and dispose of as a < 50 ppm waste in accordance with § 761.61(a)(5)(i)(B)(2)(ii).

The Town has determined that certain caulks which have PCB concentrations at < 50 ppm, meet the criteria for an *Excluded PCB Product* as defined under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or for decontamination of surfaces that are in contact with the caulk. As indicated by the Town on its Notification, the *Excluded PCB Products* will be managed in accordance with the Connecticut Department of Energy and Environmental Protection (CT DEEP) requirements.

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62(a) and § 761.79(h) for abatement of PCB caulk and § 761.61(c) for encapsulation of the *porous* and *non-porous surfaces*. EPA finds that the proposed encapsulation of PCB contaminated *porous* and *non-porous surfaces* should effectively prevent direct exposure of these surfaces to building users provided the physical barriers are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

The Town may proceed with its project in accordance with 40 CFR § 761.61(c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its rights to require additional investigation or mitigation measures should EPA determine that the encapsulation is not effective in eliminating exposure to PCBs.

Please note that the Town will be required to record a notation on the deed as required under § 761.61(a)(8) since PCBs at greater than ($>$) 1 ppm will remain on the Site.

This Approval does not release the Town from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the CT DEEP requirements and/or regulations.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Barnack for", written over the typed name of James T. Owens III.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Mark Sciota, Town of Southington
Chris Liberti, Eagle Environmental, Inc
Gary Trombly, CT DEEP
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB DECONTAMINATION AND DISPOSAL APPROVAL CONDITIONS
FORMER NORTH CENTER SCHOOL (the Site)
196 NORTH MAIN STREET
SOUTHINGTON, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Town of Southington (the Town) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The Town shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
 - b. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The cleanup standard for *bulk PCB remediation wastes* (i.e., soils) shall be less than or equal to (\leq) 1 part per million (ppm). Samples shall be collected on a bulk basis (e.g. mg/kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.

- c. The decontamination standard for *non-porous surfaces* (i.e., structural steel) shall be less than or equal to (\leq) $10 \mu\text{g}/100 \text{ cm}^2$ for inaccessible surfaces and $\leq 1 \mu\text{g}/100 \text{ cm}^2$ for accessible surfaces.
 - i) All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100 \text{ cm}^2$) and samples shall be collected in accordance with Subpart P.
 - ii) In the event the PCB decontamination standard cannot be achieved, the PCB-contaminated *non-porous surfaces* shall be encapsulated as described in the Notification.
 - d. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
13. Following encapsulation of PCB-contaminated *porous* and *non-porous surfaces*, post-encapsulation sampling shall be conducted to determine the effectiveness of the encapsulation.
- a. Wipe sampling of encapsulated surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100 \text{ cm}^2$).
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
 - c. In the event that any wipe sample PCB concentration is greater than ($>$) $1 \mu\text{g}/100 \text{ cm}^2$, the Town shall contact EPA for further discussion and direction on alternatives.
14. Initial Post-Abatement Air and Surface Sampling
- a. Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of $< 0.10 \mu\text{g}/\text{m}^3$ for total PCBs. At a minimum, PCB analysis shall include PCB homologues and/or PCB congeners.

- b. Wipe sampling of indoor surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$). Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
 - c. In the event that PCB concentrations in the wipe samples are $> 1\text{ }\mu\text{g}/100\text{ cm}^2$ or air sample results are $> 0.30\text{ }\mu\text{g}/\text{m}^3$, the Town shall contact EPA for further discussion and direction on alternatives, which may include additional indoor cleaning and/or development of a site-specific risk exposure assessment.
15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

16. Within sixty (60) days of completing the activities described in the Notification and in the Approval, the Town shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site. Within seven (7) days of receipt of EPA's approval of the draft deed restriction, the Town shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

17. Within 30 days of completion of the work authorized under this Approval, the Town shall submit for EPA's review and approval, a detailed monitoring and maintenance implementation plan (MMIP) for the surface barriers and for indoor air. The Town shall incorporate any changes to the MMIP required by EPA.
 - a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users and interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
 - d. The Town shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
18. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
19. Any modification(s) in the plan, specifications, or information submitted by the Town, contained in the Notification, and forming the basis, upon which this Approval has been issued, must receive prior written approval from the EPA. The Town shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.

20. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from The Town to make a determination regarding potential risk.
21. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

22. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and disposal and the analytical sampling shall be established and maintained by the Town in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
23. As required under Condition 17 of this Approval, the Town shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.
24. The Town shall submit a final report to the EPA within 90 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction and a certification signed by a Town official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.

25. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

26. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1